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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91218518
Party	Plaintiff Zandera Ltd.
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

ZANDERA LTD.,	:	
	:	Serial No. 85/957,521
Opposer,	:	
v.	:	Filed: 6/20/2014
	:	
SAHNI'S ENTERPRISES, INC.,	:	Published: 5/27/2014
	:	
Applicant.	:	Opposition No.: 91218518
	X	

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

AMENDED NOTICE OF OPPOSITION

Zandera Ltd., a Limited Liability Company of the United Kingdom, having a place of business at 18 Buntsford Park Road, Bromsgrove Zandera House, Worcestershire, United Kingdom, B603DX ("Opposer"), will be damaged by the registration of the mark shown in Application Serial No. 85/957,521 (the "Application") and hereby opposes the registration of such mark. The specific grounds for such opposition are as follows:

1. Opposer owns and uses the mark E-LITES (the "Mark") in connection with electronic cigarettes and is the owner of U.S. Registration No. 3,863,906.
2. Opposer uses and has used the E-LITES mark in commerce for electronic cigarettes since at least as early as April 19, 2009 and is entitled to claim first use of the Mark in the U.S. to March 31, 2009, pursuant to 15 U.S.C. 1126, Section 44 of the Lanham Act. Opposer's right to the Mark long precedes Applicant's constructive date of first use of June 15, 2013.
3. Opposer is the owner of United States Trademark Registration No. 3,863,906 for "electronic cigarettes; electronic cigarettes for use as an alternative to traditional cigarettes."
4. Applicant's ELITE mark so resembles Opposer's E-LITES mark as to result in a likelihood of confusion.
5. Applicant uses or intends to use its ELITE mark for hookahs which is in the same field as Opposer's use of its E-LITES mark for electronic cigarettes. Both products are devices by which users smoke and are thus competitive, and would result in improper association between the marks.
6. Applicant's ELITE mark identifies confusingly similar goods such that if Applicant were to use the ELITE mark to identify its products, customers are likely to be confused as to the source of the products.

7. Opposer will suffer harm as a result of the confusion and false association likely to arise from the registration of the Application and from Opposer's prior and ongoing use of the Mark.

8. This opposition is timely given that the publication date of the Application was May 27, 2014 and Opposer secured a 90-day extension of time from the Board on June 20, 2014.

WHEREFORE, Opposer prays that the opposition be sustained, and that the Board deny registration of Application Serial No. 85/957,521.

Please charge the fee of \$300.00 for a Notice of Opposition in one class to our Deposit Account No. 12-1095. The undersigned is authorized to make charges to said deposit account.

Respectfully submitted,

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
Attorneys for Opposer Zandera Ltd.
600 South Avenue West
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Dated: September 29, 2014

By: /Bruce H. Sales/
Bruce H. Sales

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the within NOTICE OF OPPOSITION was served upon the following this 29th day of September, 2014, as follows:

**VIA E-MAIL and
VIA FIRST-CLASS MAIL**

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/ Bruce H. Sales /
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